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_____NUMBER OF PAGES: 4 (including coversheet)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/658,684	
	Filing Date	September 5, 2003	
	First Named Inventor	Jeff Miller	
	Art Unit	1712	
	Examiner Name	TUCKER, PHILIP C.	
Total Number of Pages in This Submission	4	Attorney Docket Number	HALB:045

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Firm Name	Karen B. Tripp, Attorney at Law
Signature	<i>Karen B. Tripp</i>
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jeff Miller

Serial No.: 10/656,684

Filed: September 5, 2003

Title: "Drilling Fluid and Method for Enhanced Suspension" \$

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Group Art Unit: 1712

Examiner: TUCKER, PHILIP C.

Atty. Docket No.: HALB:045

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INTERVIEW SUMMARY

Sir:

Pursuant to MPEP 713.04, Applicant's counsel submits this summary of a telephone interview conducted with Examiner Philip C. Tucker on January 13, 2006. Inventor Jeff Miller attended the interview as well as the undersigned counsel.

The undersigned sought the interview for clarification of the Examiner's position regarding United States Patent No. 4,777,200 cited by the Examiner. The Examiner has maintained that the drilling fluid taught in the patent would inherently have properties within the scope of Applicant's invention. In Applicant's specification, Applicant discussed this '200 patent reference and provided data comparing and distinguishing the product of the '200 patent. Applicant sought to learn in the interview the type of test data that he would need to provide to the Examiner to satisfactorily dispute the Examiner's position of alleged inherency.

Application Serial No. 10/656,684
Art Unit 1712 (Attorney Dkt: HALB:045)


The Examiner advised that in his view the scope of Applicant's claims read on the Dymond patent. The Examiner did not dispute that Applicant had already provided some distinguishing data, but the Examiner remarked that he believed that a broad range of fluid loss agents could be used in the Dymond formulation while Applicant had shown tests with only one. For example, the Examiner named acrylamide and carboxymethyl cellulose as alternative fluid loss control agents not included in Applicant's data.

The Examiner also commented that the Dymond reference did not say that a fluid loss control agent had to be used. Applicant objected to this statement, noting that the Dymond reference used a fluid loss control agent in every example formulation provided and provided no teaching that a fluid loss control agent could be omitted. Further, Applicant advised that the fluid loss control agent he used in his data was the fluid loss control agent one skilled in the art would typically use at the time of the invention and at the time of the Dymond invention. The Examiner reiterated that many fluid loss control agents could be used.

Applicant concluded the interview with a better understanding of the Examiner's position, but not in agreement with it.

Respectfully submitted,

Date: January 16, 2006


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